



FAMILY INDEPENDENCE ADMINISTRATION

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11-69-ELI.pdf

POLICY

11-69-ELI

REVISIONS TO THE FIA

ELIGIBILITY DESK AID (W-205JJ)

Date: August 4, 2011	Subtopic(s): Forms
<p> This procedure can now be accessed on the FIAweb.</p> <p>Please refer to the Alien Eligibility Desk Aid (LDSS-4579) for the “qualified alien” criteria</p>	<p>The purpose of this policy bulletin is to inform staff of revisions made to the PRUCOL Eligibility Desk Aid (W-205JJ).</p> <p>Some noncitizens who do not meet the Federal “qualified alien” criteria may be eligible for certain New York State funded benefits if they can be considered Permanently Residing Under the Color of Law (PRUCOL).</p> <p>Noncitizens are considered to be PRUCOL if their presence in the United States is officially determined by the United States Citizenship and Immigration Service (USCIS) to be legitimate, and USCIS is allowing them to reside in the country for an indefinite period of time. PRUCOL is neither an immigration status nor a term of immigration law but a public benefit eligibility category. Individuals found eligible under this category may receive only Safety Net Assistance (SNA) and are not eligible for Family Assistance (FA), Safety Net Federally Participating (SNFP), Emergency Assistance for Families (EAF) or Food Stamps (FS).</p> <p>One of the conditions in which a noncitizen may be eligible for benefits under PRUCOL is if he/she is granted a “U” Visa or “U” Visa status. “U” Visa/”U” Visa status may be granted to an alien and his/her family members when the applicant for such a Visa has suffered substantial physical or mental abuse as a result of having been a victim of certain criminal activity. The criminal activity must have violated the laws of the U.S., its territories or possessions and the applicant must:</p> <ul style="list-style-type: none"> • possess information concerning the criminal activity of which he/she has been a victim; and • help, or be likely to help, Federal, State or local law enforcement in the investigation and prosecution of the criminal activity.

HAVE QUESTIONS ABOUT THIS PROCEDURE?
Call 718-557-1313 then press 3 at the prompt followed by 1 or
send an e-mail to *FIA Call Center Fax* or fax to: (917) 639-0298

Revised

Prior to September 17, 2007, when the final federal rule on “U” Visas was issued, the USCIS granted interim relief to applicants deemed prima facie eligible for “U” non-immigrant status. Approved applicants were placed in deferred action status which allowed them to remain in the United States indefinitely and apply for work authorization. Previous editions of Form **W-205JJ** indicated that only those who have been granted deferred action as interim relief for an application for a “U” Visa will be eligible for PRUCOL status.

After the effective date of the final rule (10/17/2007) the interim relief process ended. Applications for “U” Visas are now adjudicated with successful applicants being granted a “U” Visa or “U” Visa status. Form **W-205JJ** now indicates that noncitizens who have been granted a “U” Visa or “U” Visa status are considered PRUCOL for benefit eligibility purposes.

In addition to this change, the common documentation associated with this status is being revised. If a noncitizen presents one of the following, s/he may be considered eligible for PRUCOL status:


- Unexpired “U” Visa; or
- **Form I-797** indicating that “U” Visa status has been granted; or
- **Form I-94** stamped “U1”, “U2”, “U3”, “U4”; or
- **Form I-688B** or **Form I-766** (Employment Authorization Document) category – 8 CFR §274a.12(a)(19) or A19, 8 CFR §274a.12(a)(20) or A20; or
- Any other USCIS authoritative document that verifies “U” Visa status

Note: The status “Aliens paroled for less than a year” has been removed from the **W-205JJ** as it is currently included on the Alien Eligibility Desk Aid (**LDSS-4579**) and is identified by the Alien Citizenship Indicator (ACI) code “T”.

Effective Immediately

Attachments:

W-205JJ	PRUCOL Eligibility Desk Aid (Rev. 08/04/11)
LDSS-4579	Alien Eligibility Desk Aid (Rev. 10/07)

 Please use Print on Demand to obtain copies of forms.

PRUCOL Eligibility Desk Aid

Description of Status	WMS/ACI Code	Common Documentation		Relevant Date for Eligibility	Medicaid ¹	Family Assistance	Safety Net Assistance	Food Stamp Benefits
		For Temporary Assistance	For Medicaid					
Aliens residing in the United States pursuant to an Order of Supervision under § 241(a)(3) of the Immigration Nationality Act (INA).	O ↑ ----- ↓ O	I-94 annotated "Order of Supervision"; or Form I-220B (Order of Supervision); or Form I-688B or Form I-766 (Employment Authorization Document) category – 8 CFR § 274a 12(c)(18) or C18; or Any other authoritative document from the USCIS indicating an Order of Supervision.	SAME					
Aliens granted cancellation of removal pursuant to § 240A of the INA.		Order from the Executive Office of Immigration Review (EOIR) granting cancellation of removal; or Form I-688B or Form I-766 (Employment Authorization Document) category – 8 CFR § 274a.12(a)(10) or A10; or Any other authoritative document from the USCIS indicating cancellation of removal.	SAME	N/A	Yes	No	Yes	No
Granted deferred action status, which defers their departure.		Form I-797 (Notice of Action) indicating approval of deferred action status; or Form I-688B or Form I-766 (Employment Authorization Document) category – 8 CFR § 274a.12(c)(14) or C14; or Any other authoritative document from the USCIS indicating deferred action.	SAME					

¹ Reminder: Undocumented immigrants and nonimmigrants may receive coverage for care and services for the treatment of emergency medical conditions only, not including care and services related to an organ transplant procedure, if otherwise eligible, or certain types of care provided to chronically ill persons, such as alternate level of care in a hospital, nursing facility services, home care (including private duty nursing) and personal care. Pregnant women may be provided Medicaid at any time without regard to immigration status, if otherwise eligible. Children may be provided medical assistance without regard to immigration status under Child Health Plus Program (CHPlus).

PRUCOL Eligibility Desk Aid

Description of Status	WMS/ACI Code	Common Documentation		Relevant Date for Eligibility	Medicaid ¹	Family Assistance	Safety Net Assistance	Food Stamp Benefits
		For Temporary Assistance	For Medicaid					
Spouse or child of a U.S. citizen who has been granted a "K" Visa.	O ↑ ----- O	Unexpired "K2", "K3", "K4" Visa; Note: If an expired "K" Visa is submitted, then proof that an I-539 (Application to Extend/Change Nonimmigrant Status) was filed with USCIS must be submitted. or Form I-94 stamped "K2," "K3" or "K4" ; or Form I-688B or Form I-766 (Employment Authorization Document) category – 8 CFR § 274a.12(a)(9) or A9; and SAVE clearance, Form I-797 or any other authoritative USCIS document indicating an I-130 application is pending or approved.	SAME	N/A	Yes	No	Yes	No
Spouse or child of a U.S. citizen who has been granted a "K" Visa and who: <ul style="list-style-type: none"> • makes a claim of DV; • does not have a grant of "prima facie" or an approved I-360; and • has a pending I-360 but refuses to go to DVL for credibility assessment or is determined noncredible. 		Unexpired "K2", "K3", "K4" Visa; Note: If an expired "K" visa is submitted, then proof that an I-539 (Application to Extend/Change Nonimmigrant Status) was filed with USCIS must be submitted. or Form I-94 stamped "K2," "K3" or "K4" ; or Form I-688B or Form I-766 (Employment Authorization Document) category – 8 CFR § 274a.12(a)(9) or A9; and SAVE clearance, Form I-797 or any other authoritative USCIS document indicating an I-360 application is pending.	SAME					



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PRUCOL Eligibility Desk Aid

Description of Status	WMS/ACI Code	Common Documentation		Relevant Date for Eligibility	Medicaid ¹	Family Assistance	Safety Net Assistance	Food Stamp Benefits
		For Temporary Assistance	For Medicaid					
<p>Aliens granted "S" Visa status. Issued to aliens possessing reliable information regarding an important aspect of a crime or terrorist organization or plot.</p>	O ↑ ----- ↓ O	<p>Unexpired "S" Visa; or Form I-94 stamped "S5," "S6" or "S7"; or Form I-688B or Form I-766 (Employment Authorization Document) category – 8 CFR § 274a.12(c)(21) or C 21; or Any other USCIS authoritative document that verifies "S" Visa status.</p>	SAME					
<p>Aliens granted a "U" Visa or "U" Visa status.</p> <p>"U" Visas statutorily expire in 4 years. Extensions beyond 4 years are only possible in very limited circumstances.</p>		<p>Unexpired "U" Visa; Form I-797 indicating that "U" Visa status was granted or Form I-94 stamped "U1", "U2", "U3", "U4"; or Unexpired Form I-688B or Form I-766 (Employment Authorization Document) category – 8 CFR §274a.12(a)(19) or A19, 8 CFR §274a.12(a)(20) or A20 or Form I-766 with category codes A19, A20 and expiration date is less than 4 years from date of application; or Any other USCIS authoritative document that verifies "U" Visa status.</p>	SAME	N/A	Yes	No	Yes	No

SAMPLE

¹ Reminder: Undocumented immigrants and nonimmigrants may receive coverage for care and services for the treatment of emergency medical conditions only, not including care and services related to an organ transplant procedure, if otherwise eligible, or certain types of care provided to chronically ill persons, such as alternate level of care in a hospital, nursing facility services, home care (including private duty nursing) and personal care. Pregnant women may be provided Medicaid at any time without regard to immigration status, if otherwise eligible. Children may be provided medical assistance without regard to immigration status under Child Health Plus Program (CHPlus).

PRUCOL Eligibility Desk Aid

Description of Status	WMS/ACI Code	Common Documentation		Relevant Date for Eligibility	Medicaid ¹	Family Assistance	Safety Net Assistance	Food Stamp Benefits
		For Temporary Assistance	For Medicaid					
<p>Aliens granted "V" Visa status under the Legal Immigration Family Equity Act (LIFE Act) for spouses and children of LPRs.</p>	<p>○</p> <p>↑</p> <p>-----</p> <p>↓</p> <p>○</p>	<p>Unexpired "V" Visa; Note: If an expired "V" Visa is submitted, then proof that Form I-539 (Application to Extend/Change Nonimmigrant Status) was filed with USCIS must be submitted. or Form I-94 stamped "V1," "V2," or "V3" or Form I-688B or Form I-766 (Employment Authorization Document) category – 8 CFR § 274a.12 (a)(14) or A (14); and SAVE clearance, Form I-797 or any other authoritative USCIS document indicating an I-130 application is pending or approved.</p>	<p>SAME</p>	<p>N/A</p>	<p>Yes</p>	<p>No</p>	<p>Yes</p>	<p>No</p>
<p>Aliens granted "V" Visa status under the Legal Immigration Family Equity Act (LIFE Act) for spouses and children of LPRs who:</p> <ul style="list-style-type: none"> • makes a claim of DV; • does not have a grant of "prima facie" or an approved I-360; and • has a pending I-360 but refuses to go to DVL for credibility assessment or is determined noncredible. 		<p>Unexpired "V" Visa; Note: If an expired "V" Visa is submitted, then proof that Form I-539 (Application to Extend/Change Nonimmigrant Status) was filed with USCIS must be submitted. or Form I-94 stamped "V1," "V2," or "V3"; or Form I-688B or Form I-766 (Employment Authorization Document) category – 8 CFR § 274a.12 (a)(15) or A15; and SAVE clearance, Form I-797 or any other authoritative USCIS document indicating an I-360 application is pending.</p>	<p>SAME</p>	<p>N/A</p>	<p>Yes</p>	<p>No</p>	<p>Yes</p>	<p>No</p>

¹ **Reminder: Undocumented immigrants and nonimmigrants may receive coverage for care and services for the treatment of emergency medical conditions only, not including care and services related to an organ transplant procedure, if otherwise eligible, or certain types of care provided to chronically ill persons, such as alternate level of care in a hospital, nursing facility services, home care (including private duty nursing) and personal care. Pregnant women may be provided Medicaid at any time without regard to immigration status, if otherwise eligible. Children may be provided medical assistance without regard to immigration status under Child Health Plus Program (CHPlus).**

PRUCOL Eligibility Desk Aid

Description of Status	WMS/ACI Code	Common Documentation		Relevant Date for Eligibility	Medicaid ¹	Family Assistance	Safety Net Assistance	Food Stamp Benefits
		For Temporary Assistance	For Medicaid					
<p>“Not qualified” aliens who can produce any evidence, including but not limited to verification by USCIS that they entered the U.S. prior to January 1, 1972, and have resided continuously in the U.S. since such entry, pursuant to Section 249 of the INA.</p>	<p>↑ O ↓ O</p>	<p>Form I-688B or Form I-766 coded 8 CFR § 274a.12(c)(16) or C16; or Form I-797 indicating “Notice of Adjustment of Status to Permanent Resident” pursuant to INA § 249; or Any letter/notice from the USCIS or EOIR indicating Registry Application (Form I-485) is pending; or Any documentary proof establishing entry and continuous residence.</p>	<p>SAME</p>	<p>January 1, 1972</p>	<p>Yes</p>	<p>No</p>	<p>Yes</p>	<p>No</p>
<p>Any aliens living in the U.S. with knowledge and written permission of the USCIS and whose departure the Agency does not contemplate enforcing.</p>		<p>If documentation is submitted and the status of the alien does not fit in any of the other categories listed in this guide, the Worker must contact the Office of Procedures who will contact the Office of Temporary Disability Assistance to determine if the alien meets PRUCOL status.</p>	<p>See Page 6</p>	<p>N/A</p>	<p>Yes</p>	<p>No</p>	<p>Yes</p>	<p>No</p>

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PRUCOL Eligibility Desk Aid

Description of Status	WMS/ACI Code	Common Documentation		Relevant Date for Eligibility	Medicaid ¹	Family Assistance	Safety Net Assistance	Food Stamp Benefits													
		For Temporary Assistance	For Medicaid																		
Permanent nonimmigrants, pursuant to P.L. 99-239 (applicable to citizens of the Federated States of Micronesia and Marshall Islands).	O ↑ ----- ↓ O	I-94 stamped CFA/MIS "DS" (Duration of Status); or I-688B or I-766 coded 8 CFR § 274a.12(a)(8) or A8.	SAME	N/A	Yes	No	Yes														
Applicants for asylum.		N/A	I-797 indicating Asylum Application received, pending or intent to approve asylum request; or I-688B or I-766 coded 8 CFR § 274a.12(c)(8) or C8.				N/A		Yes	No	No	No									
Persons granted Temporary Protected Status.		N/A	I-797 indicating TPS status granted; or I-688B or I-766 coded 8 CFR § 274a.12(a)(12) or A12.				<div style="font-size: 4em; opacity: 0.5; transform: rotate(-45deg); pointer-events: none;">SAMPLE</div>		<div style="font-size: 4em; opacity: 0.5; transform: rotate(-45deg); pointer-events: none;">LE</div>	Yes	No	No									
Persons applying for Temporary Protected Status.		N/A	I-688B or I-766 coded 8 CFR § 274a.12(a)(19) or C19.											Yes	No	No					
Applicants for adjustment of status.		N/A	I-688B or I-766 coded 8 CFR § 274a.12(c)(9) or C9; or I-797 indicating application received or pending.															Yes	No	No	
Persons who have filed applications for adjustment of status under Section 245 of the INA and the USCIS has accepted as "properly filed."		N/A	I-797 indicating application received, pending or approved; or Form I-94 or passports with annotation "adjustment application" or "employment authorized during status as adjustment application"; or Form I-688A coded 245A; or Form I-688B or Form I-766 coded 8 CFR § 274a.12(c)(22) or C22.																		

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PRUCOL Eligibility Desk Aid

Description of Status	WMS/ACI Code	Common Documentation		Relevant Date for Eligibility	Medicaid ¹	Family Assistance	Safety Net Assistance	Food Stamp Benefits
		For Temporary Assistance	For Medicaid					
Any aliens living in the U.S. with knowledge and permission or acquiescence of the USCIS and whose departure the Agency does not contemplate enforcing.	O	See Page 4	<p>I-797 Notice of Action indicating the USCIS has received, taken action on or approved an application or petition;</p> <p>or</p> <p>A copy of a cancelled check to the USCIS;</p> <p>or</p> <p>Correspondence to or from the USCIS, showing that the person is living in the United States with the knowledge and permission or acquiescence of the USCIS, and the USCIS does not contemplate enforcing the person's departure from the United States.</p> <p>Examples include, but are not limited to: Permanent nonimmigrants, pursuant to P.L. 99-239 (applicable to citizens of the Federated States of Micronesia and Marshall Islands); Applicants for asylum; Persons granted Temporary Protected Status. Persons applying for Temporary Protected Status include documents I-688B or I-766 codes 8CFR § 274a. 12(c)(19) or C19;</p> <p>Applicants for adjustment of Status; Persons who have filed applications for adjustment of status under section 245 of the INA and the USCIS has accepted as "properly filed."</p>	N/A	Yes	No	No	No

SAMPLE

¹ Reminder: Undocumented immigrants and nonimmigrants may receive coverage for care and services for the treatment of emergency medical conditions only, not including care and services related to an organ transplant procedure, if otherwise eligible, or certain types of care provided to chronically ill persons, such as alternate level of care in a hospital, nursing facility services, home care (including private duty nursing) and personal care. Pregnant women may be provided Medicaid at any time without regard to immigration status, if otherwise eligible. Children may be provided medical assistance without regard to immigration status under Child Health Plus Program (CHPlus).

Description of Status	WMS/ACI Code	Common Documentation	Relevant Date for Eligibility	Medicaid ¹	Family Assistance	Safety Net Assistance	Food Stamp Benefits
Refugees	R	<p>I-94: stamped "Admitted under Section 207 of the INA," "Refugee," "RE1, RE2, RE3, RE4" or</p> <p>I-551: stamped "R8-6, RE5, RE6, RE7, RE8 or RE9" or</p> <p>I-571: Refugee Travel Document or</p> <p>I-688B: Employment Authorization Document annotated with "8 C.F.R. § 274a.12(a) (3)" or</p> <p>I-766: Employment Authorization Document annotated "a3"</p>	Entry				
Cuban/Haitian Entrants	H	<p>I-94: stamped "Cuban/Haitian Entrant (status pending)," "Section 212(d) (5) of the INA," "Form I-589 filed," or "CU6," or CU7" or</p> <p>I-94 stamp showing parole under Section 212(d)(5) of INA or stamp showing parole in US on or after 10/10/80 and reasonable evidence that parolee has been a National (citizen) of Cuba or Haiti² or</p> <p>I-551: stamped "CU6, CU7, or CH6" or</p> <p>Temporary I-551 stamp in foreign passport. or</p> <p>USCIS notice or letter indicating ongoing exclusion or deportation proceedings</p>	Status Granted			Yes	
Asylees	A	<p>I-94: stamped "Granted asylum under Section 208 of the INA" or</p> <p>I-551: Stamped "AS1,AS2, AS3, AS6, AS7, or AS8" or</p> <p>I-688B: Employment Authorization Card annotated with "8 C.F.R. § 274a.12(a)(5)" or</p> <p>I-766: Employment Authorization Document annotated "(a5)" or</p> <p>Grant letter from USCIS Asylum Office or</p> <p>Order of an immigration judge granting asylum.</p>					

¹REMINDER: For Medicaid, undocumented aliens and temporary non-immigrants may receive coverage for care and services necessary for the treatment of *emergency* medical conditions only, not including care and services related to an organ transplant procedure, if otherwise eligible. Pregnant women may be provided Medicaid *at any time* without regard to alien status, if otherwise eligible. Children may be provided medical assistance without regard to immigration status under Child Health Plus (CH Plus) program.

²EXCEPTION: This guideline does not apply when the individual was paroled solely to testify as a witness in a judicial, administrative or legislative proceeding or when the parolee is in legal custody pending criminal prosecution.

Description of Status	WMS/ACI Code	Common Documentation	Relevant Date for Eligibility	Medicaid ¹	Family Assistance	Safety Net Assistance	Food Stamp Benefits
Amerasian Immigrants	R	<p>I-94: stamped "AM1, AM2, AM3, AM6, AM7, or AM8." Derive date of entry from date of inspection on stamp; if date is missing, obtain from I-551 or from USCIS</p> <p>or</p> <p>I-551: stamped "AM1, AM2, AM3, AM6, AM7, or AM8"</p> <p>or</p> <p>Temporary I-551 stamp in foreign passport</p> <p>or</p> <p>1-571: Refugee Travel Document</p> <p>or</p> <p>Vietnamese exit visa or passport stamped "AM1, AM2, or AM3"</p>	Entry				
Deportation or Removal Withheld	J	<p>I-688B: Employment Authorization Card annotated with "8 C.F.R. § 274a.12(a)(10)"</p> <p>or</p> <p>I-766: Employment Authorization Document annotated "(a10)"</p> <p>or</p> <p>Order from Immigration Judge showing the date deportation was withheld under Section 243(h) of the INA as in effect prior to April 1, 1997, or removal withheld under Section 241(b)(3) of INA</p>				Yes	
Certain Hmong or Highland Laotian	Z R (MA)	<p>I-94: stamped "Admitted under Section 207 of the INA," "Refugee," "RE1, RE2, RE3, or RE4"</p> <p>or</p> <p>INS I-551: Stamped "RE5, RE6, RE7, RE8, or RE9"</p> <p>or</p> <p>Has a signed affidavit sworn under penalty of law that s/he was a member of Hmong or Highland Laotian tribe between 8/5/64 and 5/7/75 or a verified spouse*, widow, widower or unmarried dependent of a tribal member</p> <p>and</p> <p>Documents to show lawfully residing in the US</p> <p>*Divorced spouses do not qualify</p>	Status Granted				

¹REMINDER: For Medicaid, undocumented aliens and temporary non-immigrants may receive coverage for care and services necessary for the treatment of *emergency* medical conditions only, not including care and services related to an organ transplant procedure, if otherwise eligible. Pregnant women may be provided Medicaid *at any time* without regard to alien status, if otherwise eligible. Children may be provided medical assistance without regard to immigration status under Child Health Plus (CH Plus) program.

Description of Status	WMS/ACI Code	Common Documentation	Relevant Date for Eligibility	Medicaid ¹	Family Assistance	Safety Net Assistance	Food Stamp Benefits
* Lawfully Admitted For Permanent Residence (LPR) with 40 Qualifying Quarters	S	<u>I-551</u> : (Permanent Resident Card) or Temporary <u>I-551</u> stamp in foreign passport or on <u>I-94</u> or <u>I-327</u> : (Re-entry Permit) or or <u>I-181</u> : Memorandum of Creation of Lawful Permanent Residence with approval stamp and Proof of qualifying quarters	Entered Before 8/22/96			Yes	
			Entered On/After 08/22/96	Yes	Yes, after 5 years in US in a qualified status		Yes
Lawfully Admitted For Permanent Residence (LPR) without 40 Qualifying Quarters	K	<u>I-551</u> : (Permanent Resident Card) or Temporary <u>I-551</u> stamp in foreign passport or on <u>I-94</u> . or <u>I-327</u> (Re-entry Permit) or or <u>I-181</u> : Memorandum of Creation of Lawful Permanent Residence with approval stamp	Entered Before 8-22-96		Yes	Yes	Yes if: <ul style="list-style-type: none"> In a qualified status and in receipt of certain disability benefits [7 USC 2012(r)] or After five years in US in a qualified status or In a qualified status and under age 18
			Entered On or After 08/22/96	Yes	Yes, after 5 years in US in a qualified status	Yes	
Veteran, spouse, unmarried surviving spouse and unmarried dependent child of a U.S. veteran who fulfilled minimum active duty requirement (2 years)	V	A Discharge Certificate (<u>Form DD-214</u>) that states "Honorable." A character of discharge "Under Honorable Conditions" is not an "Honorable Discharge" for these purposes. Narrative Reason for Separation block must not state that discharge was for reason of "alienage" or lack of U.S. citizenship.	Status Granted			Yes	
Active Military: Active duty or a member of the Armed Forces on full-time duty in the Army, Navy, Air Force, Marine Corps or Coast Guard, spouse and children	M	Military Identification Card (<u>DD Form 2</u>) (Active) that lists an expiration date of more than one year from the date of determination. If ID card is due to expire within one year from the date of determination, use a copy of current military orders.	Status Granted			Yes	
Conditional Entrant (status granted to refugees before 1980)	F	<u>I-94</u> with stamp showing admitted under Section 203(a)(7) of INA or <u>I-688B</u> (Employment Authorization Card) annotated "274a.12(a)(3)" <u>I-766</u> (Employment Authorization Document) annotated "(A1)" or "(A3)"	Entry			Yes	

*No quarters earned after 12/31/96 may be counted in which an alien has received a Federal means-tested public benefit (FA, SSI, Food Stamps or Medicaid.)

¹REMINDER: For Medicaid, undocumented aliens and temporary non-immigrants may receive coverage for care and services necessary for the treatment of *emergency* medical conditions only, not including care and services related to an organ transplant procedure, if otherwise eligible. Pregnant women may be provided Medicaid at *any time* without regard alien status, if otherwise eligible. Children may be provided medical assistance without regard to immigration status under Child Health Plus (CH Plus) program.

Description of Status	WMS/ACI Code	Common Documentation	Relevant Date for Eligibility	Medicaid ¹	Family Assistance	Safety Net Assistance	Food Stamp Benefits
<p>A US citizen's or LPR's battered spouse, or child, or parent or child of such battered person, who obtains "Notice of Prima Facie Case from USCIS under the Violence Against Women Act (VAWA)</p>	<p>B³</p>	<p>I-797 (Notice of Action) indicating prima facie eligibility of an I-360 self-petition under INA Section 204(a)(1)(A) (iii) or (iv); or INA Section 204(a)(1)(iii)(B) (i) or (iii)</p>	<p>Entered Before 8/22/96</p>	<p>Yes</p>	<p>Yes</p>	<p>Yes</p>	<p>Yes if:</p> <ul style="list-style-type: none"> In a qualified status and in receipt of certain disability benefits [7 USC 2012(r)] or After five years in US in a qualified status or In a qualified status and under age 18 or In a qualified status and have 40 qualifying quarters
			<p>Entered On/After 8/22/96 The relevant date for eligibility is the date qualified status was obtained</p>	<p>Yes</p>	<p>Yes, after 5 years in US in a qualified status</p>	<p>Yes</p>	
<p>A U.S. citizen's or LPR's battered spouse, or child, or parent or child of such battered person, whose I-360 self – petition under VAWA is approved</p>		<p>I-797 (Notice of Action) indicating approval of an I-360 self-petition under INA Section 204(a)(1)(A)(iii) or (iv), or INA Section 204(a)(1)(iii)(B) (i) or (iii)</p>	<p>Entered Before 8/22/96</p>	<p>Yes</p>	<p>Yes</p>	<p>Yes</p>	
<p>Entered On/After 8/22/96 The relevant date for eligibility is the date qualified status was obtained</p>	<p>Yes</p>		<p>Yes, after 5 years in US in a qualified status</p>	<p>Yes</p>			
<p>A U.S. citizen's or LPR's battered spouse or child or parent or child of such battered person, whose I-360 self-petition under VAWA is pending and is determined to be a credible victim of domestic violence by the social service district's Domestic Violence Liaison (DVL)</p>		<p>I-797 (Notice of Action) indicating pending I-360 self-petition under INA Section 204(a)(1)(A)(iii) or (iv), or INA Section 204(a)(1)(iii)(B) (i) or (iii)</p>	<p>Entered Before 8/22/96</p>	<p>Yes</p>	<p>Yes</p>	<p>Yes</p>	
			<p>Entered On/After 8/22/96 The relevant date for eligibility is the date qualified status was obtained</p>	<p>Yes</p>	<p>Yes, after 5 years in US in a qualified status</p>	<p>Yes</p>	

SAMPLE

Description of Status	WMS/ACI Code	Common Documentation	Relevant Date for Eligibility	Medicaid ¹	Family Assistance	Safety Net Assistance	Food Stamp Benefits
<p>An alien determined to be a credible victim of domestic violence by the social services district's DVL with a pending or approved I-130 petition</p>		<p>I-797 (Notice of Action) indicating approval or pending I-130 visa petition under Section 201(b) of the INA (spouse or child of a U.S. citizen) or Section 203(a)(2)(A) (spouse or child of a permanent legal resident);</p>	<p>Entered Before 8/22/96</p>	<p>Yes</p>	<p>Yes</p>	<p>Yes</p>	
		<p>or</p> <p>I-94 coded K3, K4, V1, V2 or CR -1-7 and a pending or approved I-130;</p> <p>or</p> <p>Any other USCIS document indicating the alien has a K or V visa and a pending or approved I-130;</p> <p>or</p> <p>I-688B or I-766 (Employment Authorization Documents) annotated (a)(9) or (a)(15)</p>	<p>Entered On/After 8/22/96</p> <p>The relevant date for eligibility is the date qualified status was obtained</p>	<p>Yes</p>	<p>Yes, after 5 years in US in a qualified status</p>	<p>Yes</p>	
<p>An application for VAWA cancellation of removal or suspension of deportation has been granted or is pending and the immigration court finds that applicant has a prima facie case for this relief</p>	<p>B³ (Cont'd.)</p>	<p>Order from the Executive Office of Immigration Review (EOIR) under INA 240A(b) or if the application is pending documentation that the court finds that the applicant has a "prima facie case" for this relief</p>	<p>Entered Before 8/22/96</p>	<p>Yes</p>	<p>Yes</p>	<p>Yes</p>	<p>Yes, if:</p> <ul style="list-style-type: none"> In a qualified status and in receipt of certain disability benefits [7 USC 2012(r)] or After five years in US in qualified status or In a qualified status and under age 18 or In a qualified status and have 40 qualifying quarters
			<p>Entered On/After 8/22/96</p> <p>The relevant date for eligibility is the date qualified status was obtained</p>				

Description of Status	WMS/ ACI Code	Common Documentation	Relevant Date for Eligibility	Medicaid ¹	Family Assistance	Safety Net Assistance	Food Stamp Benefits
Victim of Human Trafficking	D (Upstate) R (NYC)	Certification Document (for adults) or Eligibility Letter (for children) from the Office of Refugee Resettlement (ORR); Must call 1-866-401-5510 for verification or I-94 Coded T1, T2, T3, T4 or T5 stating admission under Section 212(d)(5) of the INA if status granted for at least one year	Entry ⁴			Yes	
Parolee (for at least one year) (Non-citizens who have been allowed to come into the U.S. for humanitarian or public interest reasons)	G	I-94 with annotation "Paroled pursuant to Section 212(d)(5)" or "parole" or "PIP" with date of entry and date of expiration indicating one year or I-688B annotated "8 CFR Section 274a 12(a)(4) or 274(a) 12(c)(11)" or I-766 annotated "C11" or "A4" and I-94 indicating admitted for at least one year	Entered before 8/22/96 Entered on or after 8/22/96	Yes	Yes, after 5 years in US in a qualified status	Yes	Yes, if: • In a qualified status and in receipt of certain disability benefits [7 USC 2012(r)] or • After five years in US in qualified status or • In a qualified status and under age 18 or • In a qualified status and have 40 qualifying quarters
Parolee (for less than one year)	T	I-94 with annotation "Paroled pursuant to Section 212(d)(5)" or "parole" or "PIP" or I-688B coded 274a.12(a)(4) or 274a12(c) (11) or I-766 coded A4 or C11	NA	Yes	No	Yes	No
North American Indian born in Canada	To be determined (PA) C (MA)	I-551: (Permanent Resident Card): stamped "S1-3" , temporary I-551 stamp in a Canadian passport or I-94: stamped "S1-3" Tribal document certifying at least 50% American Indian blood, as required by Section 289 of the INA or documented member of a federally recognized tribe and School records, A birth or baptismal certificate issued on a reservation, Other satisfactory evidence of birth in Canada	NA			Yes	

SAMPLE

¹ REMINDER: For Medicaid, undocumented aliens and temporary non-immigrants may receive coverage for care and services necessary for the treatment of emergency medical conditions only, not including care and services related to an organ transplant procedure, if otherwise eligible. Pregnant women may be provided Medicaid at any time without regard to alien status, if otherwise eligible. Children may be provided medical assistance without regard to immigration status under Child Health Plus (CH Plus) program.

⁴ For a Victim of Human Trafficking, ENTRY means the date of Certification by the Office of Refugee Resettlement (ORR) – See 03 ADM-1.

Description of Status	WMS/ACI Code	Common Documentation	Relevant Date for Eligibility	Medicaid ¹	Family Assistance	Safety Net Assistance	Food Stamp Benefits
Member of federally recognized tribe born outside U.S.	To be determined (PA) C (MA)	Membership card or other tribal document demonstrating membership in a federally recognized Indian tribe under Section 4(e) of the Indian Self-Determination and Education Assistance Act	NA			Yes	
PRUCOL (not in any of above statuses)	O (PA & MA)	See GIS 07 TA/DC001 See OMM 04 ADM-7 AND 07 OHIP INF-2	NA	Yes ⁵	No ⁵	Yes ⁵	No
Undocumented immigrants or non-immigrants (aliens with a temporary immigration status)	E		NA	Treatment of emergency medical condition only ¹		No	

¹ REMINDER: For Medicaid, undocumented aliens and temporary non-immigrants may receive coverage for care and services necessary for the treatment of emergency medical conditions only, not including care and services related to an organ transplant procedure, if otherwise eligible. Pregnant women may be provided Medicaid at any time without regard to alien status, if otherwise eligible. Children may be provided medical assistance without regard to immigration status under Child Health Plus (CH Plus) program.

⁵ PRUCOL refers to aliens who are permanently residing in the US under Color of Law. OTDA's and the Department of Health's (DOH) interpretation of PRUCOL is different. A description of TA PRUCOL can be found in GIS 07 TA/DC001. A description of MA PRUCOL can be found in OMM 04 ADM-7 and 07 OHIP INF-2.

United States Citizenship and Immigration Services (USCIS – Formerly INS) Documents

I-94	Arrival/Departure Record	I-571	Refugee Travel Document
I-130	Petition for an Alien Relative	I-688	Temporary Resident Card
I-181	Memorandum of Creation of Record of Lawful Permanent Residence	I-688A	Employment Authorization For Legalization Applicants
I-327	Reentry Permit of Permanent Residents	I-688B	Employment Authorization Card
I-360	Special Immigrant Petition	I-766	Employment Authorization Card
I-485	Application to Register Permanent Residence or to Adjust Status	I-797	Notice of Action (1-797C current version)
I-551	Legal Permanent Resident Card, Resident Alien Card or "green card"		

Footnotes for Pages 4 and Page 5

³ There are four requirements for qualified battered alien status:

1. Be a credible victim of battery or extreme cruelty; and
2. Have appropriate immigration documentation; and
3. Be able to show a substantial connection between the need for benefits and the battery or extreme cruelty; and
4. No longer reside in the same household as the abuser.